

**GUST ROSENFELD P.L.C.**  
3651 Lindell Road, Suite D763  
Las Vegas, Nevada 89103  
Telephone: (702) 589-2179  
Facsimile: (702) 726-8279  
William S. Sowders – 8894  
[wsowders@gustlaw.com](mailto:wsowders@gustlaw.com)

*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

T.H.E. INSURANCE COMPANY, a Louisiana  
corporation,

Plaintiff,

v.

LAS VEGAS CARRIAGE, LLC d/b/a MOUNT  
CHARLESTON TRAIL RIDES, a Nevada limited  
liability company; THE ESTATE OF ROBERT  
HUMPHREYS; JOHN DOES I-X; JANE DOES  
I-X; and ABC-XYZ CORPORATIONS AND  
PARTNERSHIPS.

Defendants.

No. CV2015-00512-RFB-NJK

**MOTION FOR EXTENSION**

(Second Request)

T.H.E. Insurance Company ("T.H.E.") moves the court for additional time in which to submit a reply memorandum supporting its Motion to Strike the Answer of Defendant Las Vegas Carriage ("LVC") and submit a response to LVC's Motion to Set Aside Default. Pursuant to LR 6-1(d), T.H.E. notifies the Court that LVC's opposition to T.H.E.'s motion to Strike LVC's Answer was filed on October 12, 2015 and LVC's Motion to Set Aside Default was filed on October 14, 2015. The first motion for extension of time was filed on October 22, 2015.

T.H.E. has been investigating allegations that LVC has raised in its pleadings and the supporting declaration of witness Stephen Smith. T.H.E. is in the process of

1 obtaining additional information and potentially a declaration from attorney Douglas  
2 Gardner who was retained by T.H.E. to represent LVC in a personal injury action  
3 currently pending in the Clark County, Nevada Eighth Judicial Court (“Personal Injury  
4 Suit”). T.H.E. also requests additional time in which to obtain a declaration supporting  
5 its memoranda in this matter.

6 On information and belief, Stephen Smith gave deposition testimony on  
7 November 12, 2015 in the personal injury suit. It is believed that Mr. Smith’s testimony  
8 will be relevant to T.H.E.’s analysis of Mr. Smith’s apparent authority to act for LVC in  
9 legal matters. A transcript of the deposition is not yet available. Moreover, it will take  
10 some time to obtain a declaration from witness Douglas Gardner to clarify what  
11 statements were made and what evidence is available to the court in this case. T.H.E. is  
12 investigating Mr. Smith’s purported authority to act for LVC and the statements  
13 Mr. Smith attributed to Mr. Gardner.

14 This motion is not made for the purpose of delay or obstruction, but rather, is  
15 made to obtain a deposition transcript, a declaration and other evidence related to the  
16 pending motions in this case. (*See* Declaration, attached hereto as Exhibit 1). Therefore,  
17 T.H.E. requests 30 additional days in which to submit a reply memorandum supporting  
18 its Motion to Strike Las Vegas Carriage’s Answer and a response to LVC’s Motion to  
19 Set Aside Default and a due date for such reply memorandum and response  
20 memorandum of: December 23, 2015.

21 DATED: November 18, 2015.

22 GUST ROSENFELD P.L.C.

23  
24 By: /s/ William S. Sowders  
25 William S. Sowders  
26 Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, William S. Sowders hereby certify that on November 18, 2015, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel registered to receive such notice:

Anthony L. Ashby  
DAVID L. RIDDLE & ASSOCIATES  
7455 Arroyo Crossing Parkway, Suite 105  
Las Vegas, NV 89113  
*Co-Counsel for Interested Party Nancy Romero*

Ramzy P. Ladah  
LAS VEGAS PERSONAL INJURY, PLLC  
517 S. 3<sup>rd</sup> Street  
Las Vegas, NV 89101  
*Co-Counsel for Interested Party Nancy Romero*

Theodore P. Williams  
THEODORE P. WILLIAMS, ESQ. LTD.  
517 S. Third Street, Suite D  
Las Vegas, NV 89101  
*Counsel for Las Vegas Carriage d/b/a Mount Charleston Trail Rides*

Dated: November 18, 2015.

/s/ William S. Sowders  
William S. Sowders

IT IS SO ORDERED:

  
RICHARD F. BOULWARE, II  
United States District Judge

DATED this 1st day of December, 2015.

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*Attorneys for Plaintiff*

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Defendants.

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**DECLARATION  
OF  
WILLIAM S. SOWDERS**

1. I am over the age of 18 years and competent to testify to the following matters, based on my personal knowledge.
2. I am a member of Gust Rosenfeld and represent T.H.E. Insurance Company in this matter.
3. The complaint in this matter was filed to pursue declaratory relief related to coverage under an insurance policy issued to Las Vegas Carriage, LLC ("LVC").
4. I have investigated the alleged statements made in the declaration supporting LVC's Opposition to Plaintiff's Motion To Strike LVC's Answer (Doc #25).

**Exhibit 1**

1           5.     The investigation in this matter includes a review of the transcript of the  
2 deposition testimony given by Stephen Smith in a lawsuit against LVC. That transcript  
3 is not yet available.

4           6.     The investigation in this matter also includes T.H.E.'s request for a  
5 declaration from attorney Douglas Gardner concerning the statements attributed to Mr.  
6 Gardner in Stephen Smith's declaration.

7           7.     Therefore, I filed a second request for an extension of time in which to  
8 produce any available evidence to the court in briefing on the motions pending before  
9 the court.

10           Pursuant to 28 U.S.C. § 1746:

11           I declare under penalty of perjury that the foregoing is true and correct.

12           Executed on this 18<sup>th</sup> day of November, 2015.

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15             
16           William S. Sowders, Esq.

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26           **Exhibit 1**